

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON  
<http://www.ohsb.uscourts.gov/>

IN RE: :  
Case No. 14-33677  
WILLIAM M. APOSTELOS : Chapter 7  
Judge Lawrence S. Walter  
Debtor. :

**MOTION OF TRUSTEE TO REDUCE TIME FOR PARTIES IN INTEREST TO  
OBJECT TO: "MOTION OF TRUSTEE FOR AN ORDER PURSUANT TO 11 U.S.C. §§  
105, 541 AND 542, AND BANKRUPTCY RULES"**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case, through Counsel, and hereby moves, pursuant to Bankruptcy Rules 2002(a)(2) and 9006(c)(1), that the time for parties in interest to object to the document entitled:

**MOTION OF TRUSTEE FOR AN ORDER PURSUANT TO 11 U.S.C. §§ 105, 541  
AND 542, AND BANKRUPTCY RULES, AUTHORIZING AND/OR REQUIRING  
IMMEDIATE:**

**(1) TURNOVER FROM ALL ENTITIES OF ALL BANK AND OTHER  
FINANCIAL ACCOUNTS IN THE NAME OF THE DEBTOR AND/OR OVER  
WHICH DEBTOR HAS OR HAS HAD SIGNATURE AUTHORITY (INCLUDING  
JOINT AND BUSINESS ACCOUNTS); AND**

**(2) TURNOVER FROM ALL ENTITIES OF ALL OTHER PERSONAL  
PROPERTY IN THE NAME OF THE DEBTOR (INCLUDING JOINTLY OWNED  
AND BUSINESS PROPERTY); AND**

**(3) TURNOVER OF ALL RECORDS, COMPUTER DATA AND ALL OTHER  
DOCUMENTS IN THE POSSESSION, CUSTODY OR CONTROL OF ANY PERSON  
THAT REFER, RELATE OR PERTAIN TO THE DEBTOR, OR THE DEBTOR'S  
AFFILIATES, OR TO THEIR PROPERTY OR FINANCIAL AFFAIRS; AND**

**(4) ISSUANCE BY THE TRUSTEE OF SUBPOENAS TO ANY PERSON  
PURSUANT TO F.R.B.P. RULE 9016 AND AUTHORIZING THE TRUSTEE TO  
CONDUCT RULE 2004 EXAMINATIONS OF ANY PERSON PURSUANT TO  
SUCH SUBPOENAS, AND AUTHORIZING TRUSTEE TO PAY COSTS  
ASSOCIATED WITH SUCH SUBPOENAS AND 2004 EXAMINATIONS.**

(hereinafter referred to as the “Trustee’s Motion”), filed this date be reduced from twenty-one (21) days to eleven (11) days from the date of service of the Trustee’s Motion.

A Memorandum in support is attached hereto.

Respectfully submitted,

*/s/ John Paul Rieser*

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John Paul Rieser, Esq. (0017850)  
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### **MEMORANDUM**

1. Bankruptcy Rules 2002 (a)(6) and 9006(c)(1) permit a motion requesting a reduction in time when an act is required or allowed to be done at or within a specified amount of time, and in the case of preserving assets, permit the Court “for cause” to reduce the normal twenty-one (21) day time period.

2. The Trustee’s Motion requests authority for several items, including without limitation: turnover of bank accounts and personal property, turnover of documents and records, and issuing subpoenas and conducting 2004 examinations.

3. There are allegations of fraudulent and criminal activity surrounding the Debtor’s pre-petition activities (i.e. - a Forfeiture Complaint was filed in the United States District Court for the Southern District of Ohio on November 3, 2014; Case No. 2014 CV 381). The criminal investigation is in its early stages and no charges have been filed yet; however, this matter is being investigated as an alleged fraudulent Ponzi scheme.

4. The Trustee requests that the notice time be shortened to eleven (11) days for the

reasons further stated in the Trustee's Motion, incorporated herein. The Trustee needs authority to act expeditiously in this case, due to allegations of fraud. There is a danger that assets of the estate will be lost or diminished if they are not promptly discovered, identified, and turned over to the Trustee. Given the fact that no bankruptcy schedules have been filed, and many records have been seized by federal authorities, the Trustee will need to conduct discovery of yet-to-be-identified third parties to investigate and recover assets and transfers.

**WHEREFORE**, the Trustee requests that the notice time for the Motion be reduced to eleven (11) days, so that objections must be filed by December 1, 2014.

Respectfully submitted,

*/s/ John Paul Rieser*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **MOTION OF TRUSTEE TO REDUCE TIME FOR PARTIES IN INTEREST TO OBJECT TO: "MOTION OF TRUSTEE FOR AN ORDER PURSUANT TO 11 U.S.C. §§ 105, 541 AND 542, AND BANKRUPTCY RULES"** was served this 18<sup>th</sup> day of November, 2014, on the parties in interest listed below, by either U.S. regular mail, postage prepaid, or by the Court's electronic ECF noticing system.

The following parties were served by U.S. regular mail, postage prepaid:

William M. Apostelos  
35 Commercial Way  
Springboro, OH 45066

Connie Apostelos  
35 Commercial Way  
Springboro, OH 45066

Also served at:  
William M. Apostelos  
8895 Tanglewood Drive  
Springboro, OH 45066

Connie Apostelos  
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Dwight Brannon, Esq.  
130 W. Second Street, Suite 900  
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The following parties were served by the Court's electronic ECF noticing system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov  
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*/s/ John Paul Rieser*

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John Paul Rieser [smw/701]